**DRAFT**

**Terms of Reference for the Regional Coordinating Unit (RCU) of the Regional Fisheries Surveillance Plan (PRSP)**

1. **ESTABLISHMENT**

These terms of reference define and formalise the role, functions and procedures of the Regional Coordination Unit (RCU), which has been operating informally since 2007, based on the recommendation of the Indian Ocean Commission (IOC) Fisheries Ministers Conference held in July 2017 in Antananarivo, Madagascar to institutionalise the Regional Fisheries Surveillance Plan (PRSP), and in doing so review the governance framework.

1. **COMPOSITION**
2. The membership of the RCU shall consist of:
3. one representative from each Participating State who participates in the PRSP/ Regional Fisheries Monitoring Control Surveillance and Observation Centre (RFMCSOC).
4. a representative(s) of the IOC; and
5. a representative of the RFMCSOC.
6. An alternate shall be designated by each Participating State to represent the representative designated under 1(a) when s/he is unable to attend meetings, who shall be a national responsible for MCS.
7. Representatives of other organizations may participate in the RCU as observers or partners, including regional fisheries management organizations, and other MCS or maritime security organizations in the EA-SIO region.
8. Mauritius: observers should attend as and when agreed. Upon invitation and request being accepted. OK
9. **TERM**
10. The term of each member of the RCU shall be two (2) years.
11. A Participating State may replace a member appointed under section 2(1)(a) at any time, and such replacement shall take effect upon notification by the Participating State to the IOC.
12. Where the member serves a full two year term, Participating States shall notify IOC of any extension or replacement of the member at least one month before the end of the term.
13. Seychelles...no provision about what happens if they don’t send a notification.
14. Comoros, can be extended once or two times. Notification can be written.
15. Mauritius: Ministers will have to decide two terms, leave at discretion of the State how many extensions there should be, should decide whether to restrict a term of a member it designates for the RCU.
16. Comoros: Disagrees with Mauritius, as if we give the State the power it will minimize the force of the institution. If the term is defined by the coordination, it should be them that decides and give a good image to the institution. Person may be negligent.
17. Seychelles: We should have some room to decide who is the candidate, as States. There is usually a pool of four or five persons. Circumstances might dictate choice.
18. Tanzania agree with 3, propose term of 3 years. Maybe IOC Secretariat can notify when the time of expiration occurs.
19. Jude: Based on experience, RCU, beginning IOC wrote to countries, he has been on RCU since 2007 to 2011. But at each meeting or two there is somebody new, no consistency. New guy doesn’t know. So in-country information not passed on. RCU needed a term to guarantee continuity, and have an alternate.
20. DISAGREEMENT ON TERM, RCU IS TO DECIDE ON THE TERM
21. **ROLE AND OBJECTIVES**

The RCU shall:

1. make recommendations to ... Council of Ministers? ERCU? have an advisory role;
2. develop, implement and manage MCS activities of the PRSP/RFMCSOC to improve compliance with the relevant Conservation and Management Measures (CMMs) of RFMOs, national legislation and fisheries agreements for sustainable exploitation of the fishery resources and in doing so prevent, deter and eliminate IUU fishing in areas and vessels to which the PRSP applies, including the Zone of Cooperation and flag vessels of Participating States in areas beyond national jurisdiction; and
3. prepare a report on the implementation of the PRSP/rfmcsoc for transmission to the IOC for approval and such other body deemed necessary .
4. Mauritius, para b becomes para a. “elaborate rather than develop, para c becomes para b, para a becomes c, a make recommendations
5. Kenya: Propose for c that the reort should be channelled through ERCU. Role of ERCU/RCU
6. Jude: Make sense, because we prepare report for transmission to IOC, then IOC sends to the Ministers.
7. Kenya, annex should show organigram.
8. Jude: There is an organigram, we may annex it after Ministers approve. Agrees Mauritius proposal to change b to c etc.

**5 FUNCTIONS AND MANDATE**

1. In performing its functions, the RCU should have access to the facilities offered by operational centres of Participating States with facilities for communication and monitoring of the actions taken by such States at sea, and in particular protected radio communications and to ensure access and shall liaise with Participating States to provide the necessary mandates.
2. Kenya, too long, better to use
3. Overall, the mandate of the RCU shall be to *inter alia*:
4. identify the requirements for effective MCS in the exclusive economic zones of the participating States;
5. develop and update Standard Operating Procedures (SOPs)for activities being undertaken;
6. plan aerial/sea joint patrols based on fishing activities in the region, based on available data and intelligence in accordance with approved SOPS;
7. be responsible for information exchange in accordance with an agreed framework for fisheries information sharing and VMS data exchange through the sub-regional vessel monitoring system (VMS);
8. Mauritius, agreements already establish references and links, this is not relevant may need deletion France could we modify by saying it could develop more efficient platform or make recommendations to improve security...but this is already in j.
9. develop risk analysis methodology;
10. be responsible to carry out risk analysis in accordance with adopted risk analysis methodology to detect possible IUU fishing and fishing related activities and draw lists of suspected high risk fishing vessels;
11. be responsible for regional operational coordination and ensure activities at operational level be responsible for duly authorised regional operational coordination and activities;
12. coordinate activities of the Observer Working Group for the development and implementation of collaborative Observer activities and thereby improve the catch and effort data collection and compliance with the relevant Conservation and Management Measures of RFMOs and fisheries agreements.
13. develop any other tools or improve existing tools that may be agreed by the RCU and the ERCU; [Kenya: Put this last as o. Tanzania ask if K means to do tasks directed by ERCU. Kenya. If RCU is given any other mandate this is to be shown last. Jude: This should be in ERCU ToR....also in o]
14. collaborate with other regional MCS, observation and maritime security initiatives in the region and internationally;
15. provide capacity building to its Participating States;
16. develop annual and multi annual action plans;
17. develop annual and multi annual budgets; and
18. make recommendations to the ERCU on the acceptance of new Participating States and observers and such other subject matter it deems necessary.

Jude to discuss with Marc how to reword this.

1. **MEETINGS**
2. The Chair and the Co-Chair of the RCU shall be representatives of Participating States on a rotational basis and elected to serve for a one year term.
3. The Assistant MCS Expert of the PRSP/RFMCSOC shall assist the Chair with the meeting preparation and act as secretary during meetings to record the minutes.
4. An assistant secretary may be appointed by the members to assist the secretary in a meeting**.**
5. The RCU shall meet at least three times each year and may decide to hold additional meetings virtually as necessary to carry out its responsibilities.
6. The Chair in consultation with the IOC / RFMCSOC and Participating States shall decide on the date and venue of the meetings.
7. The duration of meetings shall not be more than three days.
8. The Chair may communicate meet more frequently with the secretary in order to manage the Committee agendas, receive reports and determine the priorities to discuss at the RCU meetings.
9. A quorum shall be determined by a simple majority of RCU members. Mauritius, decisions should be taken with all participating states present or conveying their vote. Every PS should be present. Jude, no consensus on consensus. Seychelles we make operational decisions in RCU and dangerous for us to push for all members to be present.
10. Kenya: Better for meetings to be physical. Include a paragraph online meetings. jude agreed, virtual attendance by participants that could not attend physically.
11. Mauritius, virtual meetings would resolve para 8, For quorum, add: a State that is not present would not be bound by any decision or recommendation of the RCU.
12. France: sending agenda in advance should be sufficient time for preparation of agenda.
13. Decisions shall be made by a consensus of RCU Participating States. members. Mauritius disagrees, proposes consensus of Participating States (not IOC)
14. IOC will have no vote in the RCU (noting that it may not host in future).
15. Mauritius, propose, if a simple majority is to be maintained for the uorum, add a sentence that there would be no binding effect on any State not present at decision or recommendation so State cannot be impacted negatively in any way.

Also transpose to ERCU

1. **ADMINISTRATIVE RESPONSIBILITIES**

The RCU shall be responsible for:

1. providing a report of the PRSP action and budget plan and results to the ERCU/Steering Committee;
2. pre-validating and/or peer reviewing any technical assistance work whose outputs that may impact (or being related to) the work of the RCU;
3. participating in the selection process of appointment at operational level of the PRSP/RFMCSOC by:
   * 1. drafting the terms of reference for appointments at operational level; and
     2. evaluating and shortlisting candidates based on their technical proposal.
4. **PROCEDURES**
5. Procedures for the agenda shall include the following:
6. the Chair of the RCU, in consultation with the members, shall be responsible for finalizing the agenda;
7. input to agenda items may include items tabled by the members; and (IOC has been put as a member, superfluous. How can IOC put something, we don’t know if IOC will be involved. Mauritius)
8. the provisional agenda and meeting materials should be made available at least five (5) working days in advance of each meeting. Moz: Should highlight provisional agenda.
9. Minutes of each meeting shall be circulated to the Members within fourteen (14) working days after an RCU meeting for validation []. Kenya delete.
10. The [IOC PRSP/RFMCSOC] will provide secretariat services to the RCU. [Still under consideration, Mauritius.]

Mauritius asks whether to import the contents in one of the agreements or to annex it so it has a full legally binding effect.

Chair: administrative?

Ad,oostra ad,